GOVERNMENT OF INDIA
SOCIAL JUSTICE AND EMPOWERMENT
LOK SABHA

UNSTARRED QUESTION NO:237
ANSWERED ON:18.07.2017
Abolition of Manual Scavenging
Senguttuvan Shri Balasubramaniam

Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state:

(a) whether manual scavenging has been entirely abolished in all the States and UTs across the country and if so, the details thereof;

(b) whether the Supreme Court has directed payment of compensation to the next of kin of the manual scavengers who died while engaged in manual scavenging in so far as the State of Tamil Nadu is concerned; and

(c) if so, the details thereof?

Answer

MINISTER OF STATE FOR SOCIAL JUSTICE AND EMPOWERMENT
(SHRI RAMDAS ATHAWALE)
(a): Manual scavenging is prohibited under the 'Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (MS Act, 2013)' in all the States and Union Territories except the State of Jammu & Kashmir with effect from 06.12.2013. No person, local authority or any agency shall, from the above date engage or employ, either directly or indirectly, a manual scavenger, and every person so engaged or employed shall stand discharged immediately from any obligation, express or implied, to do manual scavenging. Whoever contravene the above provision shall, for the first contravention be punishable with imprisonment for a term which may extend to one year or with fine which may extend to fifty thousand rupees or with both, and for any subsequent contravention with imprisonment which may extend to two years or with fine which may extend to one lakh rupees, or with both. Whenever any case of manual scavenging comes to the notice of the Ministry, the same is referred to the concerned State Government for verification and inclusion in the list of manual scavengers for their liberation and rehabilitation.

(b) & (c): The Supreme Court in its judgment dated 27.03.2014 in CWP No. 583 of 2003, Safai Karamchari Andolan Vs Union of India and Others has directed all the State Governments and Union Territories to:
" Identify the families of all persons who have died in sewerage work (manholes, septic tanks) since 1993 and award compensation of Rs. 10 lakhs for each such death to the family members depending on them."

The Supreme Court has vide its order dated 10.05.2016 in I.A. No. 9 of 2016 further directed that the purport and effect of the directions contained in its order dated 27.03.2014 would apply to all victims irrespective of the place of work.

The directions of the Supreme Court mentioned above have been communicated to all the States and Union Territories including Tamil Nadu for compliance. The State Government of Tamil Nadu has informed that 144 cases of sewer/septic tank related deaths have been identified of which compensation of Rs. 10 lakhs each has been paid in respect of 141 cases. Compensation could not be paid in the remaining 3 cases as no legal heir has been found in 2 cases and in 1 case the owner of the house himself was the victim.

*****